

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

ALTANA PHARMA AG, and WYETH, : Civil Action No. 04-2355 (JLL)
:
Plaintiffs, : **PRETRIAL SCHEDULING ORDER**
:
v. :
TEVA PHARMACEUTICALS USA, INC. :
And TEVA PHARMACEUTICAL :
INDUSTRIES LTD., :
:
Defendants.

This matter having come before the Court for a scheduling conference pursuant to Civil Rule 16; good cause appearing;

IT IS on this 6th day of JANUARY, 2005,

ORDERED THAT:

I. DISCOVERY

1. Civil Rule 26(a)(1) disclosures shall be made not later than CLOSED .

2. Interrogatories and document requests shall issue not later than JANUARY 20, 2005 .

3. Absent leave of Court, no party shall serve more than one set of Interrogatories on any other party.

4. Absent leave of Court, no party shall serve more than one document request (with no limit on the categories of documents requested) on any other party. This restriction shall not, however, bar the service of Rule 30(b)(6) notices by any party.

5. Fact discovery shall remain open through SEPTEMBER 30, 2005. No discovery is to be issued or engaged in beyond that

date.

6. No objections to questions posed at depositions shall be made except as permitted by Civil Rules 30(d)(1) and 32(d)(3)(A). No instruction not to answer shall be given except as permitted by Civil Rule 30(d)(1).

7. Any discovery dispute shall be brought to the Court's attention in the first instance by letter or by telephone conference call immediately after the parties' good faith attempt to resolve the dispute has failed. Local Civil Rule 16.1(f)(11).

II. MOTION PRACTICE

8. Any motion to amend pleadings or add new parties shall comply with Local Civil Rule 7.1(d) and shall be returnable not later than NONE .

9. (a) Any dispositive motion shall comply with Appendix N of the Local Civil Rules. Motion papers shall be served . Opposition due .
Motion papers to be filed. TO BE FILED

(b) The parties are directed to Local Civil Rule 7.2, which sets limits to the length of briefs and describes the format thereof.

III. EXPERTS

10. Not later than TO BE SET the report of any proposed affirmative expert witness shall be served, together with all other disclosures required by Civil Rule 26(a)(2)(B).

11. Not later than TO BE SET the report of any proposed rebuttal expert witness shall be served, together with all other disclosures required by Civil Rule 26(a)(2)(B).

12. Each expert report shall conform with Civil Rule 26(a)(2)(B).

13. No expert shall testify at trial as to any opinions or base those opinions on facts not substantially disclosed in the expert's report.

IV. FINAL PRETRIAL CONFERENCE

14. A final pretrial conference shall be conducted pursuant to Civil Rule 16(d) at TO BE SET a.m./p.m. on

15. All counsel are directed to assemble at the office of counsel for plaintiff(s) not later than ten (10) days before the pretrial conference to prepare the Pretrial Order in the form and content required by the Court. Counsel for plaintiff(s) shall prepare the Pretrial Order and shall submit it to all other counsel for approval.

16. The original of the Pretrial Order shall be delivered to Chambers not later than twenty-four (24) hours before the pretrial conference. All counsel are responsible for the timely submission of the Pretrial Order.

V. MISCELLANEOUS

17. The Court may from time to time schedule conferences as may be required, either sua sponte or at the request of a party.

18. Since all dates set forth herein are established with the assistance and knowledge of counsel there shall be no extensions except for good cause shown and by leave of Court.

19. Failure to appear at subsequent conferences or to comply with the terms of this or any other Order may result in the imposition of sanctions. Civil Rule 16(f).

20. A copy of every pleading, document or written communication with the Court shall be served on all other parties to the action. Any such communication which does not recite or contain a certification of such service may be disregarded by the Court.

21. There shall be a status conference on OCTOBER 5, 2005 AT 2:00 P.M.

s/Ronald J. Hedges
RONALD J. HEDGES
UNITED STATES MAGISTRATE JUDGE